

MEMORANDUM

MARCH 11, 1993

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PAUL L. BARRETT, DIRECTOR

FROM: BEVERLEY JOHNSON, ASSISTANT DIRECTOR FOR
INSTITUTIONAL PLANNING AND DEVELOPMENT
RICHARD GARVER, DEPUTY DIRECTOR FOR
INSTITUTIONAL PLANNING AND DEVELOPMENT

SUBJECT: REQUEST ADOPTION OF AN ORDER OF TAKING AND U-
DISTRICT DESIGNATION OF FENWAY URBAN RENEWAL
PARCEL 24 PREPARATORY TO SOLICITATION OF
DEVELOPMENT INTEREST.

SUMMARY: This memorandum requests that Fenway Urban Renewal Parcel 24, be acquired by the Authority, that the Director be authorized to petition the Zoning Commission to designate it as a "U" Overlay District, and that it be advertised for development interest.

The former English High School, which was surplused by the School Department and conveyed to the Public Facilities Department in 1992, is proposed to be acquired in the Fenway Urban Renewal Plan as a Property to be acquired and as Disposition Parcel 24. In order to implement the Plan, it is requested that:

1. The Authority adopt an order of taking for the parcel. A proposed form of said Order of Taking is attached.
2. The Authority authorize a petition to the Zoning Commission to establish this area as an Urban Renewal Area "U" Overlay District. The Plan establishes that Parcel 24 is to be developed as an institutional use, which conforms with the Plan goal to make use of high rise buildings in the area for growth of the medical institutions. The petition would provide that the use provisions and development controls of the Fenway Urban Renewal Plan, as amended, shall be the governing use and development controls for the designated U District notwithstanding any provisions of the Boston Zoning Code which may be inconsistent with the Fenway Urban Renewal Plan, as amended. Under the Plan the new development is to be compatible with surrounding buildings with respect to material, form and scale, subject to the Authority's approval. As defined by the Plan controls, rehabilitation of the present buildings should: (1) insure that

the proposed use will not adversely affect other uses in the area; (2) insure that the development will not create traffic congestion; (3) provide attractive landscaping of all open areas; and (4) provide adequate off-street parking.

In order to implement these controls, it is appropriate that the Director be authorized to petition the Zoning Commission for Urban Renewal Area Overlay District "U" for Fenway Disposition Parcel 24.

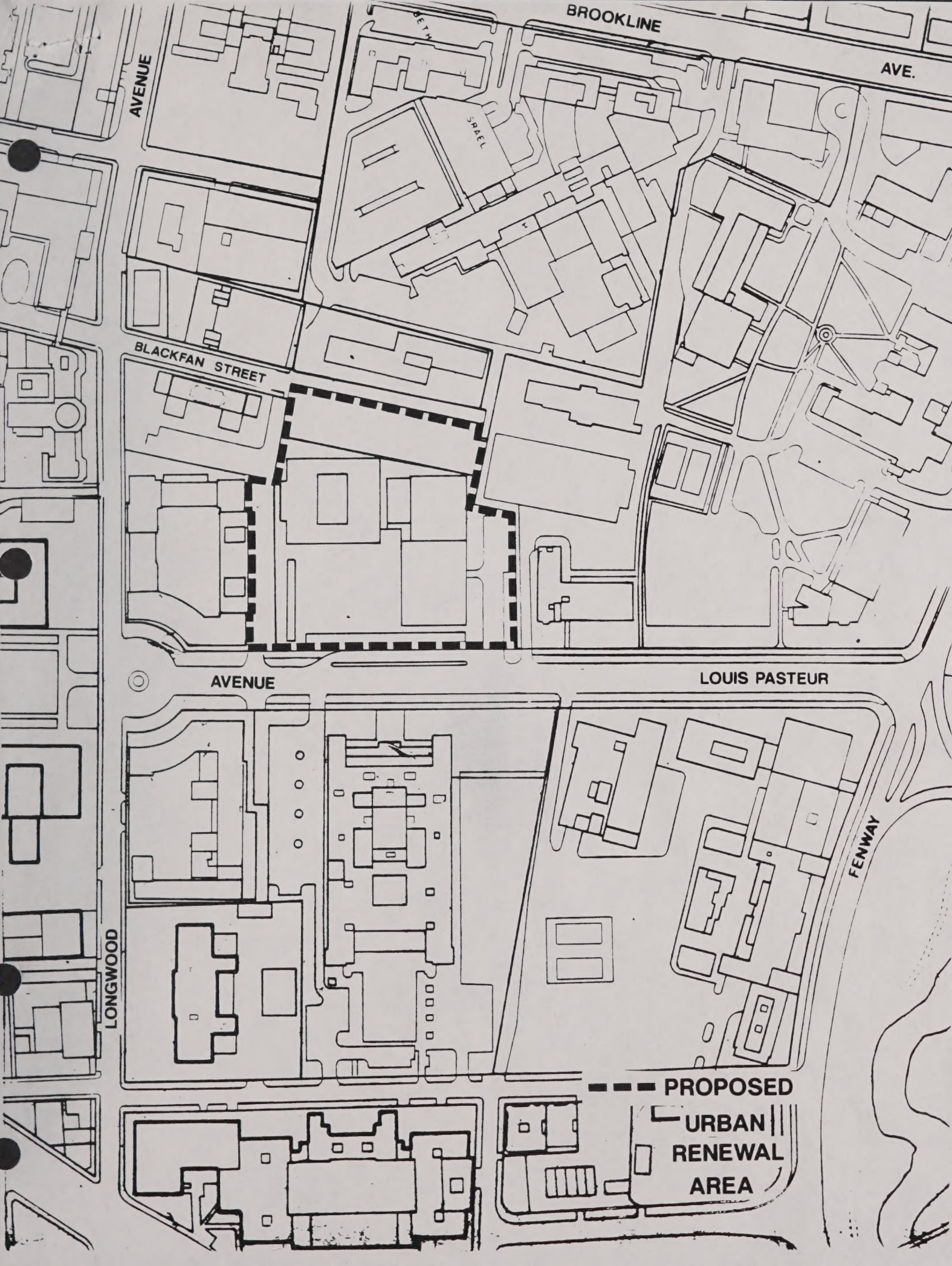
3. The Authority authorize the Director to advertise Acquisition Parcel 24 for development interest.

CONCLUSION

It is therefore recommended that: (1) the Board authorize the conformatory taking of 77 Avenue Louis Pasteur; (2) that the Director be authorized to petition the Zoning Commission to designate Parcel 24 as an Urban Renewal Area Overlay "U" District; and (3) that the Director be authorized to advertise Parcel 24 for development interest.

Appropriate votes follow:

- VOTED:** That the Boston Redevelopment Authority hereby adopts an order of taking concerning the property at 77 Avenue Louis Pasteur.
- VOTED:** That the Boston Redevelopment Authority authorizes the Director to petition the Zoning Commission to designate the area shown on the attached plan as an Urban Renewal "U" Overlay District.
- VOTED:** That the Director is further authorized to advertise Parcel 24 for development interest.



AVENUE

BROOKLINE

AVE.

SPAEEL

BLACKFAN STREET

AVENUE

LOUIS PASTEUR

LONGWOOD

FENWAY

--- PROPOSED
URBAN
RENEWAL
AREA

DOCUMENT #558;
ADOPTED

MARCH 11, 1993

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated *March 11, 1993* relating to a portion of the FENWAY URBAN RENEWAL AREA, MASS. R-115, be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Clarence J. Jones
Michael F. Donlan
Francis X. O'Brien

James K. Flaherty
Consuelo Gonzales Thornell

A true copy

ATTEST:

Kare Pinnai
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8195, page 523, an Order of Taking, dated March 28, 1968, concerning and describing the FENWAY URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, §40.

NOW THEREFORE BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant thereto, including the trees, buildings and other structures standing upon or affixed thereto.

AND FURTHER ORDERED that in accordance with the provisions of the General Laws, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons including all mortgagees of record

having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the awards at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B which ANNEX B is not to be recorded in the Registry of Deeds with this Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

DATED:

BOSTON REDEVELOPMENT AUTHORITY

By:

Clarence J. Jones
Michael J. Loula
James O'Brien
James H. Flaherty
Charles J. Donnell

ATTEST:

Kare J. Manian
Secretary of the Boston Redevelopment Authority

Approved as to form:

Ralph F. Cahill
Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

FENWAY URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcel is the only parcel taken by this Order of Taking:

PARCEL 24 - (77 AVENUE LOUIS PASTEUR)

That certain parcel of land with buildings thereon containing approximately 130,542 square feet, known as 77 Avenue Louis Pasteur, located in Ward 4, in the City of Boston, and known as Assessor's Parcel 1849 and shown as Boston English High School and Lots B and C on a plan entitled, "Subdivision Plan of Land in Boston, Mass. (Roxbury District), March 10, 1970," by New England Survey Service, Inc., Civil Engineers and Surveyors, 566 Atlantic Ave., Boston, Mass, recorded at Suffolk Registry of Deeds in Book 8454, page 682, and bounded and described as follows:

NORTHWESTERLY by land of Trustees of Emmanuel College a distance of 224.12 feet;

SOUTHWESTERLY by land of said college a distance of 74.08 feet;

NORTHWESTERLY by land of said college a distance of 65.02 feet;

SOUTHWESTERLY by land of President and Fellows of Harvard College a distance of 346.25 feet;

SOUTHEASTERLY by land of the Childrens Hospital 67.67 feet;

SOUTHEASTERLY by land of President and Fellows of Harvard College 297.85 feet;

NORTHEASTERLY by Avenue Louis Pasteur 412.09 feet to point of beginning.

Also intending to take hereby the rights of others to pass and repass in a private way known as Board of Survey Street No. 217 shown as Right of Way on said Plan and further the fee simple in said private way that is located within the boundaries of the parcel hereby taken.

Included in this taking are the rights of abutter to pass over Private Way 217 as described in Certificate of Title No. 95288 and shown on Plan L.C. 22999^A.

The Supposed Owners of the above parcel are the City of Boston and the President and Fellows of Harvard College and the Children's Hospital Corp. and any and all persons containing any rights therein. The Owners although supposed to be correct, are such only as a matter of information, opinion and belief and are listed for informational purposes only.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

FENWAY URBAN RENEWAL AREA

AWARD OF DAMAGES

Award is One Dollar (\$1.00) to each, the City of Boston, the President and Fellows of Harvard College and the Children's Hospital Corp.